

## **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application.

### **Listing of the Claims**

1-171 (canceled).

172. (previously presented) A method for providing offers of a good or a service to prospective customers as users of a system comprising the steps of:

establishing a communication between at least one of the users and the system for a purpose of a primary transaction for a first good or service, the first good or service being currently available at a time of the communication,

obtaining primary transaction data with respect to the primary transaction, including an identity of the prospective customer and the purpose of the primary transaction as being a communication for one of the first good or service,

utilizing the identity of the prospective customer to obtain at least a second data element relating to the user,

utilizing at least in part the primary transaction data, including the purpose of the primary transaction as being a communication for one of the first good or service and the second data element, to determine at least a second good or service being currently available at the time of the communication for prospective upsell to the prospective customer in real time with the primary transaction, wherein the second good or service is different than the first good or service, and

offering the second good or service to the prospective customer in lieu of the first good or service whereby the upsell serves to obviate the purpose for the primary transaction such that the first good or service is not offered to the prospective customer.

173. (original) The method of claim 172 wherein the transaction type of the primary transaction differs from the transaction type of the upsell transaction.

174. (original) The method of claim 173 wherein the primary transaction is a purchase transaction and the upsell transaction is a service transaction.

175. (original) The method of claim 173 wherein the primary transaction is a service transaction and the upsell transaction is a purchase transaction.

176. (original) The method of claim 172 wherein the primary transaction is a purchase transaction for a first good and the upsell transaction is a purchase transaction for a second good.

177. (original) The method of claim 173 wherein the primary transaction is a service transaction for a first good and the upsell transaction is a purchase transaction for a replacement for the first good.

178. (cancelled).

179. (previously presented) The method of claim 172 wherein the primary transaction is not consummated.

180. (previously presented) The method of claim 172 wherein the purpose of the primary transaction is a purchase transaction.

181. (previously presented) The method of claim 172 wherein the purpose of the primary transaction is an informational inquiry.

182. (previously presented) The method of claim 172 wherein the purpose of the primary transaction is a service transaction.

183. (previously presented) The method of claim 172 wherein the purpose of the primary transaction is a sale transaction.

184. (previously presented) The method of claim 172 wherein the purpose of the primary transaction is an inventory check.

185. (previously presented) The method of claim 172 wherein the purpose of the primary transaction is a status inquiry.

186. (previously presented) The method of claim 172 wherein the purpose of the primary transaction is an order fulfillment inquiry.

187. (previously presented) The method of claim 172 wherein the purpose of the primary transaction is a comparison shopping inquiry.

188. (previously presented) The method of claim 172 wherein the purpose of the primary transaction is a credit check.

189. (previously presented) The method of claim 172 wherein time is utilized as a factor in determining the good or service to be offered.

190. (previously presented) The method of claim 189 wherein the time is the time of day.

191. (previously presented) The method of claim 189 wherein the time is the day of the week.

192. (previously presented) The method of claim 189 wherein the time is the day of the month.

193. (previously presented) The method of claim 172 wherein a factor in determining the good or service to be offered is proximity to a calendar event.

194. (previously presented) The method of claim 193 wherein the calendar event is user defined.

195. (cancelled).

196. (previously presented) The method of claim 172 wherein geographic identifier data of the user is used to determine an offer for a good or service.

197. (previously presented) The method of claim 196 wherein the geographic identifier data of the user is provided automatically.

198. (previously presented) The method of claim 196 wherein the geographic identifier data is provided by a carrier associated with the electronic communications device.

199. (previously presented) The method of claim 196 wherein the geographic identifier data is entered by the user.

200. (previously presented) The method of claim 172 wherein the identity of the good or service of the primary transaction is utilized in determining the prospective upsell.

201. (previously presented) The method of claim 172 wherein the identity of the good or service selected by the user during the primary transaction is utilized in determining the prospective upsell.

202. (previously presented) The method of claim 172 wherein a quality factor associated with the good or service is at least one factor in determining the good or service to be offered.

203. (previously presented) The method of claim 172 wherein the offer is made orally to the prospective customer.

204. (previously presented) The method of claim 172 wherein the offer is made visually to the prospective customer.

205. (previously presented) The method of claim 204 wherein the visual offer is static.

206. (previously presented) The method of claim 204 wherein the visual offer is dynamic.

207. (previously presented) The method of claim 204 wherein the visual offer includes a virtual reality display.

208. (previously presented) The method of claim 172 wherein the prospective customer registers to use the system.

209. (previously presented) The method of claim 208 wherein the prospective customer preregisters with the system prior to use.

210. (previously presented) The method of claim 208 wherein the registration includes input of information by the prospective customer.

211. (previously presented) The method of claim 208 wherein the prospective customer inputs information in response to questions.

212. (previously presented) The method of claim 172 further comprising applying at least one negative rule when the at least second good or service for prospective upsell to the prospective customer is determined.

213. (previously presented) The method of claim 212 wherein the negative rule includes not offering for upsell a good or service determined to already be possessed by the prospective customer.

214. (previously presented) The method of claim 212 wherein the negative rule includes not offering a good or service determined to have been previously purchased by the prospective customer.

215. (previously presented) The method of claim 212 wherein the negative rule includes not offering a good or service determined to have been previously offered to the prospective customer, but declined.

216. (previously presented) The method of claim 172 wherein the prospective customer may interact with a live operator.

217. (previously presented) The method of claim 172 wherein the prospective customer utilizes an electronic communications device to communication with the system, and wherein the is a telephone.

218. (previously presented) The method of claim 217 wherein the electronic communications device is a videophone.

219. (previously presented) The method of claim 217 wherein the electronic communications device is a computer.

220. (withdrawn) A method for providing offers of an item constituting a good or a service to users of a system, utilizing an electronic communications device, comprising at least the following:

- establishing a communication via the electronic communications device between a given user and the system for purpose of a primary transaction for a first good or service,

- obtaining primary transaction data with respect to the primary transaction, including the purpose of the primary transaction,

- obtaining the identity of the given user,

- utilizing at least in part the primary transaction data including the purpose of the primary transaction and the identity of the user, and determining at least one item for offer to the given user, and

- offering the item to the given user.

221. (withdrawn) The method of claim 220 wherein obtaining the identity of the user includes obtaining the given user's social security number.

222. (withdrawn) The system of claim 220 wherein obtaining the identity of the user includes obtaining the given user's electronic address.

223. (withdrawn) The method of claim 222 wherein obtaining the given user's electronic address includes obtaining an electronic mail (e-mail) address.

224. (withdrawn) The method of claim 222 wherein obtaining the given user's electronic address includes obtaining an internet service provider identification.

225. (withdrawn) The method of claim 220 wherein obtaining the identity of the user includes obtaining the given user's customer number.

226. (withdrawn) The method of claim 220 wherein obtaining the identity of the user includes obtaining the given user's electronic signature.

227. (withdrawn) The method of claim 220 wherein obtaining the identity of the user includes obtaining the given user's billing data.

228. (withdrawn) The method of claim 220 wherein offering the item to the given user includes offering the item to the given user in real time with the primary transaction.

229. (withdrawn) A method for providing offers of an item constituting a good or a service to users of a system, utilizing an electronic communications device, comprising at least the following:

establishing a communication via the electronic communications device between a given user and the system at least to initiate a primary transaction for a first good or service,

obtaining primary transaction data with respect to the primary transaction, including a purpose of the primary transaction,

utilizing at least in part the primary transaction data including the purpose of the primary transaction and determining at least one item for offer to the given user, and

offering the item to the given user.

230. (withdrawn) The method of claim 229 wherein the purpose of the primary transaction is a purchase transaction.

231. (withdrawn) The method of claim 229 wherein the purpose of the primary transaction is an informational inquiry.

232. (withdrawn) The method of claim 229 wherein the purpose of the primary transaction is a service transaction.

233. (withdrawn) The method of claim 229 wherein the purpose of the primary transaction is a sale transaction.

234. (withdrawn) The method of claim 229 wherein the purpose of the primary transaction is an inventory check.

235. (withdrawn) The method of claim 229 wherein the purpose of the primary transaction is a status inquiry.

236. (withdrawn) The method of claim 229 wherein the purpose of the primary transaction is an order fulfillment inquiry.

237. (withdrawn) The method of claim 229 wherein the purpose of the primary transaction is a comparison shopping inquiry.

238. (withdrawn) The method of claim 229 wherein the purpose of the primary transaction is a credit check.

239. (withdrawn) The method of claim 229 wherein offering the item includes offering the item to the user in real time with the primary transaction.

240. (withdrawn) A method for providing offers of an item constituting a good or a service to users of a system, utilizing an electronic communications device, comprising at least the following:

- establishing a communication via the electronic communications device between a given user and the system at least to initiate a primary transaction for a first good or service,

- obtaining primary transaction data with respect to the primary transaction, including a purpose of the primary transaction,

obtaining geographic information,

utilizing at least in part the primary transaction data including the purpose of the primary transaction and the geographic information, and determining at least one item for offer to the given user, and

offering the item to the given user.

241. (withdrawn) The method of claim 240 wherein the geographic information is provided automatically.

242. (withdrawn) The method of claim 240 wherein the geographic information is provided by a carrier associated with the electronic communications device.

243. (withdrawn) The method of claim 240 wherein the geographic information is entered by the given user.

244. (withdrawn) The method of claim 240 wherein offering the item includes offering the item to the given user in real time with the primary transaction.

245. (withdrawn) A method for providing offers of an item constituting a good or a service to users of a system, utilizing an electronic communications device, comprising at least the following:

establishing a communication via the electronic communications device between a given user and the system to at least initiate a primary transaction for a first good or service,

obtaining primary transaction data with respect to the primary transaction, including a purpose of the primary transaction,

obtaining the identity of the good or service comprising the primary transaction,

utilizing at least in part the primary transaction data including the purpose of the primary transaction and the identity of the good or service of the primary transaction, and determining at least one item for offer to the given user, and

offering the item to the given user.

246. (withdrawn) The method of claim 245 wherein the given user initiates a primary transaction with the system.

247. (withdrawn) The method of claim 245 wherein the good or service constituting the primary transaction is utilized in determining the offer for the given user.

248. (withdrawn) The method of claim 245 wherein the primary transaction is identified by answers to questions from the system.

249. (withdrawn) The method of claim 245 wherein offering the item includes offering the item to the given user in real time with the primary transaction.

250. (withdrawn) A method for providing offers of an item constituting a good or a service to users of a system, utilizing an electronic communications device, comprising at least the following:

establishing a communication via the electronic communications device between a given user and the system to at least initiate a primary transaction for a first good or service,

obtaining primary transaction data with respect to the primary transaction, including a purpose of the primary transaction,

obtaining the time,

utilizing at least in part the primary transaction data including the purpose of the primary transaction and the time, and determining at least one item for offer to the given user, and

offering the item to the given user.

251. (withdrawn) The method of claim 250 wherein the time is the time of day.

252. (withdrawn) The method of claim 250 wherein the time is the day of the week.

253. (withdrawn) The method of claim 250 wherein the time is the day of the month.

254. (withdrawn) The method of claim 250 wherein a factor in determining the good or service to be offered is proximity to a calendar event.

255. (withdrawn) The method of claim 254 wherein the calendar event is user defined.

256. (withdrawn) The method of claim 250 wherein offering the item includes offering the item to the given user in real time with the primary transaction.

257. (withdrawn) A method for providing offers of an item constituting a good or a service to users of a system, utilizing an electronic communications device, comprising at least the following:

establishing a communication via the electronic communications device between a given user and the system to at least initiate a primary transaction for a first good or service,

obtaining primary transaction data with respect to the primary transaction, including a purpose of the primary transaction,

utilizing at least in part the primary transaction data including the purpose of the primary transaction, and determining at least one item for offer to the given user and determining a mode of presentation for the given user, and

offering the item to the given user.

258. (withdrawn) The method of claim 257 wherein the offer is made orally to the given user.

259. (withdrawn) The method of claim 257 wherein the offer is made visually to the given user.

260. (withdrawn) The method of claim 259 wherein the visual offer is static.

261. (withdrawn) The method of claim 259 wherein the visual offer is dynamic.

262. (withdrawn) The method of claim 257 wherein the visual offer includes a virtual reality display.

263. (withdrawn) The method of claim 257 wherein offering the item includes offering the item to the given user in real time with the primary transaction.

264. (withdrawn) The method of claim 220, wherein offering the item to the given user includes offering the item to the given user in lieu of the first good or service.

265. (withdrawn) The method of claim 229, wherein offering the item to the given user includes offering the item to the given user in lieu of the first good or service.

266. (withdrawn) The method of claim 240, wherein offering the item to the given user includes offering the item to the given user in lieu of the first good or service.

267. (withdrawn) The method of claim 245, wherein offering the item to the given user includes offering the item to the given user in lieu of the first good or service.

268. (withdrawn) The method of claim 250, wherein offering the item to the given user includes offering the item to the given user in lieu of the first good or service.

269. (withdrawn) The method of claim 257, wherein offering the item to the given user includes offering the item to the given user in lieu of the first good or service.

270. (withdrawn) Apparatus for providing offers of an item constituting a good or a service to users of a system, utilizing an electronic communications device, the apparatus comprising at least the following:

means for establishing a communication via the electronic communications device between a given user and the system at least to initiate a primary transaction for a first good or service,

means for obtaining primary transaction data with respect to the primary transaction, including a purpose of the primary transaction,

means for utilizing at least in part the primary transaction data including the purpose of the primary transaction and determining at least one item for offer to the given user, and

means for offering the item to the given user.

271. (withdrawn) The apparatus of claim 270, wherein the means for offering the item are adapted to offer the item to the given user in real time with the primary transaction.

272. (withdrawn) The apparatus of claim 270, wherein the means for offering the item are adapted to offer the item to the given user in lieu of the primary transaction.